

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TNT AMUSEMENTS, INC.,
d/b/a PLAY-MOR COIN-OP,

Plaintiff,

v.

TORCH ELECTRONICS, LLC, *et al.*,

Defendants.

Case No. 4:23CV330 JAR

AMENDED CASE MANAGEMENT ORDER

On July 26, 2024, the parties filed a Joint Submission Regarding Scheduling in response to the Court's order to meet and confer about a joint scheduling plan. ECF No. 222. The parties agreed on a briefing and hearing schedule related to summary judgment and *Daubert* motions, but they do not agree on having a preliminary injunction hearing. Plaintiff believes a preliminary injunction hearing is necessary at this time based on the continuance of the trial and renewed briefing on dispositive motions, and Defendant argues it is not warranted for the reasons set forth by the Court in its previous Order. In the Court's Order, dated August 24, 2023, the Court found Plaintiff's alleged harm was not new, as litigation in state court had been ongoing for at least two years at that time, and Plaintiff could not establish a threat of immediate harm that warrants granting extraordinarily preliminary injunctive relief. ECF No. 38. Pursuant to Federal Rule of Civil Procedure 65(a)(2), the Court consolidated the preliminary injunction proceedings with the trial on the merits. The Court continues to believe, for the reasons previously stated, that the preliminary injunction hearing is not necessary or appropriate at this time, and consolidation of the proceedings is proper.

Based on the parties Joint Submission Regarding Scheduling, the Court will amend¹ its

¹ All procedures remain in effect as set forth in the previous Case Management Order.

Case Management Order as indicated below.

Accordingly,

IT IS HEREBY ORDERED that the Case Management Order is amended as follows:

SCHEDULING PLAN

1. Dispositive Motions: Renewed motions for summary judgment or motions to exclude testimony pursuant to *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993) shall be filed no later than **August 5, 2024**.

a. Responses to *Daubert* motions shall be filed no later than **August 16, 2024**, and any replies shall be filed no later than **August 23, 2024**.

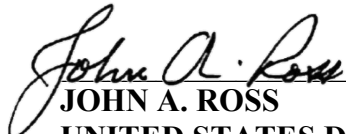
b. Responses to summary judgment motions shall be filed no later than **September 2, 2024**, and any replies shall be filed no later than **September 9, 2024**.

2. A hearing on the issue of standing and/or damages is scheduled for **September 26, 2024, at 10 A.M.** in Courtroom 12N.

3. A hearing on the summary judgment and *Daubert* motions is scheduled for **October 1, 2024, at 10 A.M.** at Courtroom 12N.

4. A trial in this case will be set at a later date to be determined.

Dated this 31st day of July, 2024.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE